

New AOC Division Leads Facilities Work

The Trial Court Facilities Act of 2002 (Sen. Bill 1732) is landmark legislation that provides for a shift in governance of California's courthouses from the counties to the state. The Office of Court Construction and Management (OCCM), the newest division of the Administrative Office of the Courts (AOC), is helping to lead the implementation of the bill.

Working with the courts in preparation for its stewardship of court facilities statewide, OCCM is already engaged in transfer negotiations; long-term master planning for facilities; strategic planning for capital outlay and funding to support design and construction of new and renovated courthouses; and preparations to assist with facility and real estate management for the superior courts, Courts of Appeal, and Supreme Court.

TRANSFER OF COURT FACILITIES

As part of its leadership role in negotiations and in the transfers of court facilities from the counties to the state, OCCM is:

- Conducting comprehensive seismic analyses to establish transferability of courthouses;
- Performing the requisite due-diligence evaluations of the buildings;
- Negotiating the terms for annual county facility payments to support building operation and maintenance;
- Negotiating terms of the transfer of shared, leased, historical, and other mixed-used facilities; and
- Establishing, managing, and recommending capital outlay funding from the State Court Construction Fund to cover the cost of these activities.

In October representatives from OCCM and the courts began negotiations for the transfer of court facilities in Riverside, San Joaquin, and Solano Counties. These three counties are being used as pilots, and lessons learned from the negotiations will be used in future talks with other counties. The early meetings are being used for fact finding and for identifying issues that need to be worked out before the transfer.

“Each county presents its own unique issues and chal-

lenges," says Kim Davis, acting director of OCCM. "In San Joaquin County none of the court buildings are in debt, whereas in Riverside County most of them are. We are also confronting issues involving shared-use facilities, leased structures, historic buildings, and in one case a court facility possibly located on Native American-owned land."

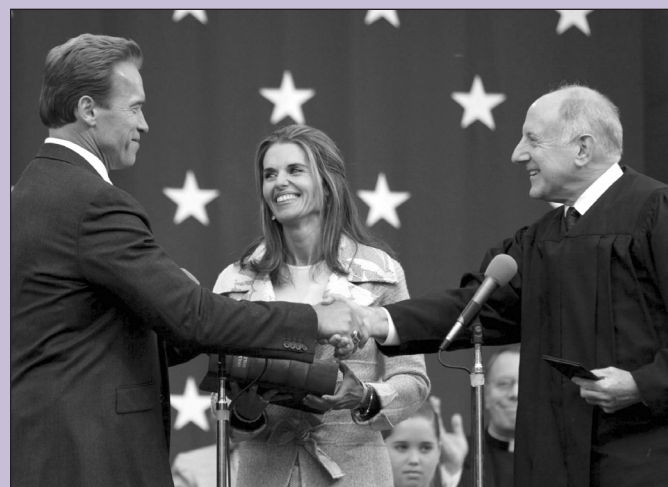
OCCM will contact the remaining courts to help them prepare for the negotiations with their counties and will let them know what types of documents they need to collect. The AOC anticipates that the earliest transfer of court facilities will occur in late summer or fall of 2004.

MASTER PLANNING AND CAPITAL OUTLAY PLAN

To identify future construction projects needed by the courts, OCCM engaged seven consulting firms to prepare master plans for trial court facilities in all 58 counties. To date, 49 master plans have been completed, and the remaining ones are expected by the end of November.

Each master plan evaluates proposed improvement projects, including the types and amounts of space required, the time frame in which a construction or renovation project should be carried out, and the estimated cost. The projects laid out in the master plans include construction of new court facilities, renovation of existing court facilities, and expansion of existing facilities. Special repairs and maintenance projects are not included in the master plans but will be handled through a separate process.

Chief Justice Swears In New Governor



Chief Justice Ronald M. George congratulated Arnold Schwarzenegger after swearing him in as the state's 38th governor during a ceremony on November 17 at the Capitol building in Sacramento. Governor Schwarzenegger's wife, Maria Shriver, held the Bible for the ceremony. The two branch leaders initially met on October 22 during the then-Governor-elect's first visit to Sacramento following the special recall election.

Photo: Mike Blake/AP

RANKING PROJECTS

The projects included in each master plan will be prioritized in a way that is consistent across the state. To accomplish this, OCCM developed the *Five-Year Trial Court Capital Outlay Plan—Prioritization, Procedure, and Forms*, which sets out the criteria for ranking construction projects. That plan was posted to Serranus for comment in August. The comments that followed were submitted, along with the plan, to the Judicial Council’s Executive and Planning Committee for its review before going to the full council. The full council adopted the plan at its August 29 meeting.

Continued on page 6

California Commemorates 100 Years of Juvenile Justice

In commemoration of the 100th anniversary of the creation of the juvenile court in California, the Administrative Office of the Courts and the Los Angeles Juvenile Court are co-sponsoring the Celebrating California's Juvenile Court Centennial Conference—one of the largest statewide conferences ever held on juvenile and family law issues. The conference is expected to bring together more than 2,000 participants—judicial officers, attorneys, social workers, probation officers, court staff, juvenile justice and child welfare professionals, and other juvenile court stakeholders—in Los Angeles on December 4-6.

The conference will entail multiple plenary sessions and more than 65 workshops on the past, present, and future of both

juvenile delinquency and juvenile dependency courts. Topics will include nuts-and-bolts practice issues, the latest research, and important policy issues, as well as crossover subjects such as family violence, child development, education, substance abuse, and collaborative justice courts.

SPECIAL EVENTS

The first night of the conference will feature a banquet celebrating the centennial anniversary and honoring the many juvenile court presiding judges and other professionals who have made a difference in the lives of countless California children. The dinner will feature speeches by dignitaries such as Chief Justice Ronald M. George and performances by children who have been involved in the court system.

The conference will also feature works from the Children's Art and Poetry Contest. The AOC's Center for Families, Children & *Continued on page 7*

TECHGUIDE

FOR CALIFORNIA COURTS

A PUBLICATION OF THE CALIFORNIA CENTER FOR JUDICIAL EDUCATION AND RESEARCH
EDUCATION DIVISION OF THE ADMINISTRATIVE OFFICE OF THE COURTS

Interview With California Supreme Court Justice Ming W. Chin

TechGuide Inside!

The Education Division/Center for Judicial Education and Research publication *TechGuide* offers information on how courts and judicial officers are using technology, as well as tips and tricks for computer users. Now *TechGuide* comes to its readers as an insert in *Court News*. See the center pages of this issue.

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Senator Joseph Dunn

Senator Dunn is chair of the budget subcommittee that is responsible for the judicial budget.

Facing the Next Budget Crisis: Preparing for the Future

SENATOR JOSEPH DUNN
D-GARDEN GROVE

In one day, the Los Angeles Family Law Information Center helped 91 people but had to turn away 16 others. One of those 16 was a mother whose nine-year-old son had not come home after a visit with his father. The father refused to return the child. The mother could not get the help she needed to obtain an emergency order to get her son back.

In a rural Fresno County community, because the local family law information center had closed, a young mother could not obtain a restraining order against her boyfriend, who was harassing her and threatening to take their daughter away.

These are but two examples of the dire consequences of cutting courts' budgets.

The position of the courts as a co-equal branch of government was severely tested this year as the state faced a \$38 billion budget deficit. The courts survived the treacherous voyage through the eye of the budget storm, but we are likely to face a far greater challenge next year and in years to come. While other parts of the budget were insulated from devastating cuts by voters' demands for services, the courts have a much tougher row to hoe when advocating for funding. The human impact of inadequate court funding is not as easily demonstrated as the impacts of shortfalls in education or health-care funding. The Judicial Council did an incredible job this year in striving to secure adequate funding. It was not an easy task. They worked long and hard, they spent many an hour in the Capitol, and they are to be commended for their efforts.

The Governor's January budget proposed significant reductions for the judiciary (\$17.7 million) and the trial courts (\$116 million), which involved contracting out for court security services and replacing court reporters with electronic reporting. The Governor also proposed new and raised fees, including a new court security fee and increases in the appellate filing fee from \$265 to \$630—with all moneys going into the General Fund—and in the trial motion fee from \$23 to \$33.

The Governor's May revised budget for the courts was essentially the same as his January budget. He proposed "borrowing" \$80 million—projected to be collected over the next year—from the Court Facilities Construction Fund for transfer to the General Fund. This "loan" ultimately became part of the final budget. Why is this a problem? Because it amounts to a loss of \$80 million from the courts' construction funds. Until this loan is repaid, important court construction and maintenance projects will be delayed.

In addition to this year's deep budget cuts, the state needs to find another \$8 billion in cuts next year, and we have only about \$20 billion to work with. The courts must compete with education, which consumes 50 percent of the budget. Education is popular in the Legislature, is legally immune from deep cuts, and has a powerful lobby. We also have to compete with health care and social services, which consume another 30 percent of the budget. They too are popular in the Legislature, are immune to many cuts, and have powerful lobbies. Together those programs account for 80 percent of the total budget. When you add to them such things as law enforcement, the enormity of the challenge of finding another \$8 billion in cuts is clear.

Efforts have been expended over the past 10 years toward stabilizing the judicial branch budget by tying its funding more closely to the state. For example, trial court funding shifted from the counties to the state in 1997, county court employees became local court employees in 2000, and a plan for transferring responsibility for court facilities to the state was passed in 2002.

While the shift to state funding has succeeded in meeting the goal of removing courts from the vagaries of local fiscal conditions, the reliance on funding decisions made by another branch of government remains. The shift places support for the independent co-equal third branch of government—not a state agency, department, or program—at the mercy of the Legislature and the Governor, a particularly precarious place to be in a huge budget deficit year. An enormous deficit is a

significant hurdle, but not the only hurdle, the courts face in securing sufficient funding. The Legislature is more partisan and less experienced, with fewer and fewer lawyers who appreciate the importance of adequate funding to keep the courts open to the people they are meant to serve. And the courts continually face the challenge of getting on the political radar screen in competition with other important programs and services, such as education and health care.

The bumpy course of this year's budget dramatically illustrates the dangers inherent in the third branch's being beholden to the Legislature and the Governor. As chair of the budget subcommittee that is responsible for the judicial budget, I worked closely with Senator Dick Ackerman (R-Irvine) and representatives of the Judicial Council to forge a bipartisan life-support plan for the courts. Much credit goes to Senator Ackerman and the council for their strength of conviction in the face of strong opposition from some legislators.

The essential elements of the budget subcommittee's bipartisan plan included a one-time \$8.5 million (versus \$17.7 million) reduction for the judiciary (all of the reduction to come out of state operations only—not local assistance programs such as Court Appointed Special Advocates for children), an increase in the appellate filing fee to \$420, creation of an Appellate Court Trust Fund, and a one-time \$85 million (versus \$116 million) reduction for the trial courts. The subcommittee also rejected the Governor's proposal to contract out for court security, supported budget language calling for the establishment of statewide standards and guidelines for court security, and rejected the Governor's proposal on electronic court reporting.

Our bipartisan agreement also includes fee increases and new fees. While in a perfect world we would not raise fees or institute new fees, we are in an imperfect world and struggling for survival. The final budget includes the fee increases and new fees contained in the bipartisan agreement.

The subcommittee emerged from the budget storm with its bipartisan agreement essentially intact—this year. The greater challenge is yet to come, in both the short and long terms. That challenge is how best to secure the autonomy, independence, and heart and soul of the court system in the face of drastic cuts and in a climate in which the courts are not a priority in Sacramento.

In the short term: how do the courts survive the budget storm next year? Using rough approximations for ease of illustration, here is the gloomy scenario we face:

- Total state spending will be \$100 billion. Of that, \$27 billion will come from special funds and bonds that can be used only as earmarked. That leaves \$73 billion to come from the General Fund.
- Close to 50 percent of that \$73 billion goes to education and cannot be touched. That leaves \$38 billion.
- Of that \$38 billion, about \$20 billion will be spent in accordance with federal minimum requirements for health care and social services. We are down to \$18 billion.
- Law enforcement consumes \$5 billion of the \$18 billion, and no one wants to make cuts there.
- That brings us down to about \$13 billion. We already need to find \$8 billion in cuts. If the increase in the vehicle license fee is reversed, another \$4 billion is off the table. That means we may need to make \$12 billion in cuts from the \$13 billion in funds budgeted for services and programs that are not protected by the California Constitution or federal law.

We are headed from bad to worse—an \$8 billion shortfall next year over and above the cuts made this year, and the potential loss of another \$4 billion. Those cuts will have to come from an extremely narrow portion of the state's budget, as described above. This may be a worst-case scenario, but it is not far from the reality we face in next year's budget crisis.

In the long term: how do we stabilize and depoliticize the judicial branch budget? How do we make funding for the third co-equal branch a priority? The courts cannot compete—particularly in times of crisis—with schools, health clinics, and law enforcement. We face a formidable challenge. I encourage you to work with the Judicial Council to join me in meeting this challenge.

Judicial Council Action

Council Adopts New Rules for Civil Delay Reduction

At its October 21 meeting, the Judicial Council adopted court rules and time standards designed to make the state’s civil delay reduction program more flexible and practical.

The rules were recommended by the Blue Ribbon Panel of Experts on the Fair and Efficient Administration of Civil Cases. Chief Justice Ronald M. George appointed the panel last February to address concerns that had arisen in connection with the Trial Delay Reduction Act.

The act created firm trial dates, eliminated case backlogs, and reduced the time from filing to disposition of civil cases, all of which were chronic problems in the 1980s. But in implementing the act, some courts were more flexible than others about setting trials, granting continuances, and the time allowed for disposing of cases.

NEW RULES

Effective January 1, 2004, the new rules will:

- Provide explicit criteria for setting civil cases for trial so that courts can focus on the needs of each individual case;
- Provide a clear and practical good cause standard for granting continuances of trials;
- Set a more realistic goal for disposing of civil cases over \$25,000: 75 percent, rather than 90 percent, disposed of within 12 months after filing;
- Preserve the two-year time standard for disposing of civil cases; and
- Provide that civil case management rules are “to be applied in a fair, practical, and flexible manner so as to achieve the ends of justice.”

OTHER ACTIONS


In other actions, the council:

- Adopted the third installment of a multiyear project to revise the appellate rules of the California Rules of Court. Chaired by Associate Justice Joyce L. Kennard, the council’s Appellate Advisory Committee is responsible for the comprehensive

rules revision, which simplifies the wording of the rules and restructures them to clarify their meaning and facilitate their use. The final installment of the rules revision is planned for distribution in April 2004.

- Amended certain rules to specify the express factual findings that are required to seal records. The amendments will improve the procedures for requesting that documents obtained through discovery be placed under seal.
- Adopted new rules and forms to revise the method of appointing an educational representative for a child adjudged a dependent or ward of the court. The council deferred to December action on new rules that would clarify the duties of attorneys who represent youth in juvenile delinquency proceedings.
- Amended court rules to expand the access of employee representatives and the public to information about trial court budgets. ■

JUDICIAL COUNCIL OF CALIFORNIA



RESOLUTION

Whereas each year in California there are more than 570,000 reports of child abuse and neglect, more than 32,000 children enter foster care, and more than 125,000 children have active child welfare cases; and


Whereas almost 97,000 children in California are living apart from their families in out-of-home care; and

Whereas 15 percent of the children who enter foster care in California remain away from their families in out-of-home care after four years; and

Whereas only 35 percent of children living in foster care reside with kin; and

Whereas the Judicial Council has made the improvement of the administration of justice in proceedings involving children and families a high priority; and

Whereas the Judicial Council is committed to working with the Governor, the



At the Judicial Council business meeting on October 21, Chief Justice Ronald M. George (right) and Administrative Director of the Courts William C. Vickrey signed a declaration making November Court Adoption and Permanency Month in California. The annual declaration focuses attention on securing permanent homes for children by encouraging courts and communities to address the importance of adoptions in their counties.

New Publisher For Council Forms

The Administrative Office of the Courts (AOC) announced that American LegalNet, Inc., has been selected as the official publisher of Judicial Council forms. American LegalNet has begun its work with the forms that will be adopted or revised by the council effective January 1, 2004.

The council’s more than 700 forms are used in all of California’s 58 trial courts and in the 6 Courts of Appeal. The forms are used by parties, attorneys, and judges in every area of law, including civil litigation, family and juvenile law, probate, and criminal law.

American LegalNet will assist the council in designing and producing new and revised forms for distribution to the courts and for posting on the California Courts Web site at www.courtinfo.ca.gov/forms/.

● For more information, contact Kenneth Kann, AOC’s Office of the General Counsel, 415-865-7661; e-mail: kenneth.kann@jud.ca.gov.

Justice McConnell Named to APJ Post

Chief Justice Ronald M. George appointed Justice Judith McConnell—a longtime leader in court administration—administrative presiding justice of the Court of Appeal, Fourth Appellate District.

In her new post, Justice McConnell will be responsible for financial, employment, and other administrative issues in the Court of Appeal. The appointment comes on the heels of her confirmation as the new presiding justice of Division One of the Fourth Appellate District (San Diego).

Justice McConnell succeeds Acting Administrative Presiding Justice Richard Huffman, who filled the vacancy created by the July retirement of former administrative presiding justice Daniel J. Kremer.

LONGTIME COURT LEADER

Justice McConnell has played a leadership role in numerous efforts to improve California courts, including jury reform, gender fairness, trial court coordination, and community-focused court planning. A member of the Judicial Council from 1991 to 1994, she is the current chair of the Judicial Branch Budget Advisory Committee and is a member of the council’s Judicial Ethics Issues Task Force. Justice McConnell’s service on Judicial Council committees has included

the Task Force on Jury System Improvement (member and vice-chair, 1998–2003), the Commission on the Future of the Courts (member and chair of the Committee on Civil Cases, 1990–1993), the Advisory Committee on Gender Bias in the Courts (member, 1988–1994), the Advisory Committee on Trial Court Coordination Standards (chair, 1991), the Judicial Council Superior Court Committee (chair, 1991–1992), the Statewide Community-Focused Court Planning Conference Steering Committee

(chair, 1997–1998), and the Community-Focused Court Planning Implementation Committee (co-chair, 1998–2003).

In recognition of her labors to improve the administration of justice, the council honored Justice McConnell with its 2001 Jurist of the Year award. In 1999 she received the Benjamin J. Aranda Access to Justice Award, presented by the Judicial Council, California Judges Association, and State Bar of California.

Justice McConnell was appointed to the San Diego Municipal Court in 1977 and to the county’s superior court in 1980, serving as presiding judge in 1990 and 1991. She was elevated to the Court of Appeal in 2001. ■



Official Reports Searchable Online

The California Supreme Court launched a new online service that provides free public access to the *Official Reports*, a compilation of all of California’s pre-idential appellate decisions. The opinions, dating from the state’s inception in 1850 to the present, can be viewed on the California Courts Web site at www.courtinfo.ca.gov/opinions/continue.htm.

“This historic new service is another step forward in the judicial branch’s efforts to increase public access to the work of the California courts,” says Chief Justice Ronald M. George. “More than 132,000 opinions of the Supreme Court, Courts of Appeal, and superior court appellate departments are now available free of charge to all those interested in viewing the complete published work of our state courts of review.”

The opinions are searchable by *Official Reports* citation; docket number; issues; and names of parties, judges, justices, and appellate counsel. The new service is made possible under the terms of a contract announced earlier this year with LexisNexis, the new publisher of California’s *Official Reports*.

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CALIFORNIA COURTS

THE JUDICIAL BRANCH OF CALIFORNIA

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In the News

Siskiyou Supervisor Praises Drug Courts

A newspaper column recently gave publicity to drug courts in Siskiyou County and lauded their positive impacts on defendants and the community.

The column, "Ridin' Point," is written by Siskiyou County Supervisor Marcia H. Armstrong for the *Pioneer Press* (Fort Jones). In the October 8 edition Supervisor Armstrong described her visit to the Siskiyou County Drug and Alcohol Training Workshop, organized by the local superior court. She recounted some highlights of the workshop, including information on how drug courts save money for the community and reunite the families of offenders. In addition, Supervisor Armstrong discussed the principles of drug courts and how those principles contribute to the courts' success.

The court invited representatives of the law enforcement community, health and human service agencies, attorneys, therapists, treatment programs, and other stakeholders in the courts. A panel of drug court representatives was available for questions, and drug court graduates told their success stories.

More than 130 attendees, including Supervisor Armstrong, came away from the workshop with information and favorable impressions of drug courts and the superior court's efforts.

Other stories in the news:

'Interpreters' Emotions Are Inadmissible,' *Los Angeles Times*, September 26, 2003

Described the shortage of court interpreters, their duties, and the bachelor's degree program in interpreting and translation that is available through the Extension of the University of California at Los Angeles.

'Court Pushes Help, Not Jail, for Mentally Ill,' *San Francisco Chronicle*, September 14, 2003

Described the Superior Court of San Francisco County's Behavioral Health Court, which handles defendants who have psychiatric problems that contribute to their run-ins with the law.

'New Law Changes How Courts Hire Interpreters,' *Lompoc Record*, September 4, 2003; **'New Law Changes Hiring in the Judicial System,'** *Santa Maria Times*, September 4, 2003

Reported that most court interpreters will now be employees of the court rather than independent contractors, and reported on the continued need for interpreting services in the legal system.

'Santa Clara Superior Ready to Put Civil Case Database on Web,' *The Recorder* (San Francisco), August 26, 2003

Announced that the Superior Court of Santa Clara County is poised to put its case management database online, where it will be available for public viewing.

'North County Drug Court Patches Lives,' *North County Times* (Escondido), August 25, 2003

Described the Superior Court of San Diego County's North County Drug Court and how it brings together representatives from criminal justice agencies, treatment providers, and the court to help defendants with substance abuse addictions.

'Tulare's Courthouse Conundrum,' *Tulare Advance-Register*, August 23, 2003

Announced the results and options presented by the facilities master plan that was developed for the Superior Court of Tulare County.

'San Joaquin Judge Doesn't Shy From Fining Shirkers,' *Tracy Press*, August 23, 2003; **'SJ System Helps More People Do Jury Duty,'** *Bulletin* (Manteca), August 1, 2003

Reported that the proportion of county citizens who skip jury duty has been lowered to 6 percent, thanks to the Superior Court of San Joaquin County's efforts to ensure that its citizens are fulfilling their jury obligations.

'Jury Duty Ditchers Get Judge Invite,' *Mountain Democrat* (Placerville), August 22, 2003

Detailed the Superior Court of El Dorado County's efforts to ensure that its citizens respond to juror summonses, such as through the issuance of court orders and fines.



Judge William Davis (standing), who presides over the Superior Court of Siskiyou County's juvenile drug and alcohol court as well as the family dependency treatment court, addresses participants at the Siskiyou County Drug and Alcohol Training Workshop. Organized by the local superior court, the workshop was highlighted in a recent column in the *Pioneer Press* (Fort Jones).

'Solano Superior Selected for State's Pilot Program,' *Tribune* (Dixon), August 17, 2003; **'Courthouse to Be Run by State,'** *Times Herald* (Vallejo), August 15, 2003

Announced that the Superior Court of Solano County was selected as one of three superior courts to begin the process of transferring court facilities from the county to the state.

'Traffic Court Reopens in West Sacramento,' *West Sacramento Press*, August 13, 2003

Reported that the traffic court in West Sacramento reopened, so residents do not have to go all the way to Woodland to take care of traffic matters. ■

HR Update

Access to Online Information Gets Easier

Here are a few ways in which the judicial branch is utilizing technology to carry out statewide human resources initiatives.

CAREER INFO ON PUBLIC WEB SITE

The Administrative Office of the Courts (AOC) revised the Careers section of the California Courts Web site (www.courtinfo.ca.gov/jobs/) to improve the quality and effectiveness of recruitment throughout the judicial branch.

One new feature of the Web site is the About Us section, which shows how the judicial branch is organized, using an illustration and a concrete explanation of the role each branch of government plays in the legal system. This section was created for job seekers who are unfamiliar with the judicial branch.

Another improvement in the site is the grouping of all judicial branch openings on one search page. Job seekers can search for openings in the superior and appellate courts and in the AOC by position type, region, or organization.

"The site gives judicial branch employees who may need to relocate within the state a better opportunity to continue working in the judicial branch," says Merilee Fielding, recruitment manager in the AOC's Human Resources Division. "It also provides the

branch with a chance to retain their skills and institutional knowledge."

IMPROVED SERRANUS SITE EASIER TO NAVIGATE

The AOC recently completed a major revision of the Human Resources section of Serranus, the password-protected internal judicial branch Web site at <http://serranus.courtinfo.ca.gov/>.

The site is now organized by customer groups, which include the superior courts, justices and judges, the AOC, the Courts of Appeal, the Habeas Corpus Resource Center, and the Commission on Judicial Performance. The materials available in each section include medical and dental plan options and rates, benefit information and forms, classification listings, employee policies, holidays, payroll information, and reimbursement forms. Other materials now available online include information on human resources-related legislation, *HR Connect* (a monthly update from the AOC's Human Resources Division), and links to other human resources-related sites.

● For more information, contact Emily Hopkins, AOC's Human Resources Division, 415-865-4283; e-mail: emily.hopkins@jud.ca.gov. ■